

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.01.2021

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.No.15815 of 2015

and

M.P.No.1 of 2015

1.Periyasamy @ Mariyappan, S/o.Sellapillai
2.Mariyappan, S/o.Perumal Gounder
3.Thangaraj, S/o.Anandha Gounder
4.Sakthivel, S/o.Sendrayan
5.S.Ranganathan, S/o.Poosi @ Perumal
6.Govindan, S/o.Kuppaa Gounder
7.Chinnakunji @ Perumal, S/o.Govindan
8.Raji, S/o.Karian @ Perumal
9.Kanniappan, S/o.Govindan
10.Alagesan, S/o.Raji
11.Murugan, S/o.Raji
12.Gandhi, S/o.Periyasamy @ Mariyappan
13.Raja, S/o.Periyasamy @ Mariappan
14.Manoharan, S/o.Poosi @ Perumal
15.Jayavel, S/o.Govindan
16.Shanmugam, S/o.Govindan
17.Rukku, W/o.Govindan
18.Madhu, W/o.Raji
19.Radha, W/o.Alagesan
20.Sathya, W/o.Murugan
21.Ashodha, W/o.Velliyangiri
22.Dhanammal, W/o.Sakthivel

... Petitioners/Accused

Vs.

1.Deputy Superintendent of Police
Harur Sub-Division
Harur (Crime No.234 of 2013)
... 1st Respondent/Complainant

2.Sudha
W/o.Suresh
...2nd Respondents/Defacto complainant

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code to call for the records in S.C.No.146 of 2014 on the file of the District Principal and Sessions Court at Dharmapuri and quash the same.

For Petitioners : Mr.Thirumalai

For Respondents : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side) for R1

O R D E R

(The case has been heard through video conference)

Though the matter has been listed under the caption "for dismissal", the learned counsel for the petitioner seeks time.

2.This petition has been filed seeking to call for the records in S.C.No.146 of 2014 on the file of the District Principal and Sessions Court at Dharmapuri for the offences under Section 147, 323, 506(i) IPC and 3(1)(XIV) of S.C. and S.T. Act @ 147 IPC & 3(1)(X), 3(1)(XIV), 3(1)(XV) of S.C/ S.T. Act 1989 to quash the same.

3.The brief facts of the case remain that based on the complaint given by one Sudha, the 1st respondent has registered a case in Crime No.234 of 2013, against the petitioners and after completion of investigation, had filed final report stating that LW1 / defacto complainant, who belongs to Adi Dravida community had married one Suresh of Vanniar Community on 21.04.2013 at Chinna Thirupathi Perumal Temple, Salem District and after the marriage, they were living at Veppamarathur Village, within the jurisdiction of Bommidi Police Station. The accused No.1 to 22 belong to Vanniar community and they were also the residents of Veppamarathur Village. The relatives of Suresh did not know that the defacto complainant belongs to Adi Dravida community. There was a dispute between the members of Adi Dravida community and Vanniar community in the Veppamarathur Village and hence they have built separate Mariamman Temples. When the members belonging to the Vanniar Community were conducting the temple festival in the Marriamman Temple, the Village Panchayatdhars had collected Rs.14,000/- as family contribution from the defacto complainant's family. On 25.07.2013, the accused coming to know that the defacto complainant viz. Sudha belongs to Adi Dravida community, had refused to receive family temple contribution from them and when the family members of Sudha offered to pay contribution, they had refused to receive it and that on 07.06.2013 when Sudha along with her family members had come to the temple to participate in the festival, the accused joined together and abused the said Sudha calling her by Caste and they had also abused her husband saying since he had married Sudha from the Adi Dravida community he had caused disrespect to their community and that they prevented them from entering the temple saying the sanctity of the temple will be lost by such marriage. They have also ex-communicated the family and

prevented them from entering into the Village. Hence the complaint.

4.This Court perused the material on record. The Sessions Case is of the year 2014.

5.The grounds raised in the quash petition is that during the year 2013, there was a dispute pertaining to pathway leading to Mariamman Temple. The 1st petitioner being the Village Gounder, along with other villagers went to the defacto complainant's house to resolve the dispute but due to wordy argument, the father in law of the defacto complainant assaulted the petitioners. Therefore, the villagers wanted to take action against the defacto complainant and her family members for showing disrespect to the Oor Gounder. However, the defacto complainant in order to avoid adverse action taken against her family members had given a false complaint against them on 22.06.2013. The said complaint has been given only as a pre-emptive measure. The further ground is that the complaint was referred to the Revenue Divisional Officer (RDO) for peace committee meet and the RDO conducted peace committee meeting on 06.07.2013 and certain resolutions were made in the presence of the defacto complainant and the petitioners. The defacto complainant refused to sign the resolution made in Na.Ka.No.4323 of 2013/A2 dated 16.07.2013, thereafter, has come out with the said complaint. The further ground is that the defacto complainant had filed a writ petition in W.P.No.20303 of 2013 before this Court to take severe action against the petitioners and other accused and the same is pending before this Court. Further ground raised by the petitioners is that the defacto complainant has made only a general and omnibus allegation and no specific allegation has been made against each of the petitioners. The final report also does not disclose any that specific communication made against the victims and thereby, he would seek to quash the proceedings.

6.The learned Government Advocate (Crl. Side) would submit that the petitioners belong to the upper class community. The defacto complainant had married one Suresh, who belongs to their community. Coming to know that the said Suresh, who belongs to their community has married the said Sudha, who belongs to S.C. community, the petitioners have abused the said Sudha and also refused to accept the temple contribution from them and they have also ex-communicated Sudha and her family.

7.There is no representation for the 2nd respondent / defacto complainant.

8.Perusal of materials shows the defacto complainant and her family members were abused by the petitioners and that the

defacto complainant and her family members were also ex-communicated from the Village. All the grounds raised by the petitioners are factual in nature and that the petitioners have not raised any legal grounds to quash the proceedings.

9. In the opinion of the Court, the petition lacks merits and deserved to be dismissed.

10. It is a case of the year 2014, hence, learned Principal District Judge, Sessions Court, Dharmapuri, is hereby directed to accord priority to the case and complete the trial as expeditiously as possible, preferably, within a period of six months from the date of receipt of a copy of this order.

11. With the above direction, this Criminal Original Petition stands dismissed. Consequently, the connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Principal District and Sessions Court
Dharmapuri

2. Deputy Superintendent of Police
Harur Sub-Division, Harur

3. The Public Prosecutor
High Court of Madras
Chennai 600 104.

+1cc to Mr.M.Selvam, Advocate, S.R.No. 4861

CRL.O.P.No.15815 of 2015

RGN(CO)
GN(19/02/2021)